

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLIE B. BUSH JR.,)	4:09CV3141
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
MELANIE BAILEY, Counsler, and)	
MICHAEL THURBER, Director of)	
Lancaster County Jail,)	
)	
Defendants.)	

Plaintiff filed his complaint in this matter while he was incarcerated. (Filing No. [1](#).) Plaintiff also filed a motion for leave to proceed in forma pauperis (“IFP”) while he was incarcerated. (Filing No. [2](#).) Petitioner has paid \$2.53 of the \$350 filing fee as of the date of this order. (See [Docket Sheet](#).)

According to Plaintiff’s Notice of Change of Address (filing no. [17](#)), Plaintiff is no longer incarcerated. Therefore, he must file a new Application for Leave to Proceed IFP if he wishes to continue pursuing this case in forma pauperis. *See, e.g., McGann v. Comm’r, Social Security Admin.*, 96 F.3d 28, 30 (2d Cir. 1996) (“A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners.”). Plaintiff may, in the alternative, pay the entire \$350.00 filing fee. However, if Plaintiff fails to either file a new IFP application or pay the \$350.00 filing fee by December 24, 2009, this case will be subject to dismissal without further notice.

IT IS THEREFORE ORDERED that:

1. The Clerk of the court shall send to Plaintiff Form AO 240, “Application to Proceed Without Prepayment of Fees and Affidavit.”

2. By December 24, 2009, Plaintiff shall either file a new Application to Proceed IFP or pay the court's \$350 filing fee. If Plaintiff fails to comply with this memorandum and order, this case may be subject to dismissal after December 24, 2009, without further notice.

3. Plaintiff is reminded to keep the court informed of his current address at all times while this case is pending; failure to do so could result in dismissal.

4. The Clerk of the court is directed to set a pro se case management deadline with the following text: December 24, 2009: deadline for Plaintiff to file new IFP application or pay filing fee.

November 24, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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